

IN THE UNITED STATES DISTRICT COURT FILED
FOR THE SOUTHERN DISTRICT OF OHIO

JENN P. HEHMAN
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1:12-CV-951

SOUTHERN DIST. CHAM.
WEST DIV. CINCINNATI
J. BECKWITH

REZA YAZDIAN

Plaintiff,

v.

CONMED ENDOSCOPIC
TECHNOLOGIES, INC.
d/b/a CONMED CORPORATION,

Defendant.

) CIVIL ACTION NO.

M.J. BOWMAN

COMPLAINT WITH
JURY TRIAL DEMAND

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e *et seq.* ("Title VII") and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of race and to provide appropriate relief to Charging Party Reza Yazdian ("Yazdian") who was adversely affected by such practices. Plaintiff Yazdian alleges that ConMed Corporation and its division, ConMed Endoscopic Technologies, Inc.. ("ConMed") subjected Yazdian to different terms and conditions of employment and terminated Yazdian because of his ethnicity and religion, i.e., an Iranian Muslim.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 706(00) and (3) of Title VII, 42 U.S.C. §2000e-5(f)(1) and (3), and § 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981A.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Southern District of Ohio.

PARTIES

3. Plaintiff, Reza Yazdian, a United States citizen and resident of Cincinnati, Ohio in

the Southern District of Ohio, was employed by ConMed in April, 2005 until his termination in July, 2010.

4. At all times relevant, Defendant ConMed has continuously been doing business in the Southern District of Ohio and has continuously had at least fifteen employees. Defendant, ConMed, is incorporated in New York with its principal place of business in New York.

5. At all times relevant, Defendant ConMed has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. Sections 2000(e)(b), (g) and (h).

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Reza Yazdian filed a charge with the Equal Employment Opportunity Commission (“EEOC”) alleging violations of Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled. The Right to Sue letter was issued September 19, 2012 (Exhibit A) following a request for mediation (Exhibit B) following a determination of discrimination. Defendant, ConMed, declined to mediate.

7. Since at least 2008, ConMed has engaged in unlawful employment practices in violation of Sections 701(k) and 703(a) of Title VII, 42 U.S.C. Sections 2000e(k) and 2(a). Such unlawful employment practices include subjecting Yazdian to different terms and conditions of employment and terminating Yazdian because of his ethnicity and religion, and further including retaliation for Yazdian’s bringing these practices to ConMed’s attention.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Yazdian of equal employment opportunities and otherwise adversely affect his status as an employee, because of his ethnicity and religion.

9. The unlawful employment practices complained of in paragraph 7 above were intentional.

10. The unlawful employment practices complained of in paragraph 7 were done with

malice or with reckless indifference to the federally protected rights of Yazdian because of his ethnicity and religion.

11. At all times during his employment with ConMed, Plaintiff performed diligently and received awards and commendation for his performance.

12. As a result of Plaintiff's efforts and subsequent termination, ConMed was unjustly enriched and Plaintiff denied compensation.

PRAYER FOR RELIEF

WHEREFORE, the plaintiff respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant, its officers, successors, assigns and all persons in active concert or participation with it, from engaging in any employment practice which discriminates on the basis of ethnicity and religion and from engaging in any retaliation for opposing discrimination, or for participating in any manner in any investigation, proceeding, or litigation under Title VII.

B. Order Defendant to institute and carry out policies, practices and programs which provide equal employment opportunities for individuals regardless of their ethnicity and religion, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant to make whole Yazdian by providing appropriate back pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including reinstatement.

D. Order Defendant to make whole Yazdian by providing compensation for past and future pecuniary losses resulting from the unlawful practices described in paragraphs 7 through 10 above, in amounts to be determined at trial.

E. Order Defendant to make whole Yazdian by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices of complained of in paragraphs 7

through 10 above, including emotional pain, inconvenience and humiliation, in amounts to be determined at trial.

F. Order Defendant to pay to Yazdian punitive damages for its malicious and reckless conduct described in paragraphs 7 through 10 above, in an amount to be determined at trial.

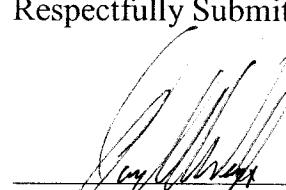
G. Grant such further relief as the Court deems necessary and proper in the public interest, and

H. Award the Plaintiff his costs in this action, and attorney fees.

JURY TRIAL DEMAND

The Plaintiff requests a jury trial on all questions of fact raised by its complaint.

Respectfully Submitted,



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